

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Public Safety and Homeland Security Bureau)	PS Docket No. 19-254
Seeks Comment on Petitions Filed by the Boulder)	
Regional Emergency Telephone Service Authority)	

COMMENTS OF AT&T

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AT&T Services, Inc., on behalf of itself and its affiliates (collectively, “AT&T”), hereby submits the following comments in response to the Federal Communications Commission’s (“FCC” or “Commission”) above-captioned *Public Notice*¹ seeking comment on the petitions for declaratory ruling and rulemaking filed by the Boulder Regional Emergency Telephone Service Authority (“BRETSA”).²

I. INTRODUCTION AND SUMMARY

AT&T is proud to partner with the First Responder Network Authority to execute the vital mission assigned to it by Congress in the Spectrum Act: deploying the highly secure communications platform devoted to first responders that the Nation as a whole, and the public safety community in particular, has long sought and needed.³ The deployment of a nationwide

¹ See *Public Safety and Homeland Security Bureau Seeks Comment on Petitions Filed by the Boulder Regional Emergency Telephone Service Authority*, Public Notice, PS Docket No. 19-254, DA 19-902 (rel. Sept. 11, 2019).

² See Boulder Regional Emergency Telephone Service Authority Petition for Reconsideration, or in the Alternative, Petition for Declaratory Ruling and Petition for Rulemaking, PS Docket Nos. 16-269, 12-94, 06-229, WT Docket No. 06-150 (filed Nov. 21, 2018) (“BRETSA Petitions” or “Petitions”).

³ See Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156 §§ 6001-6303, 6413 (codified at 47 U.S.C. §§ 1401 et seq.) (“Spectrum Act”).

public safety broadband network (“NPSBN”) fostered by this partnership is proceeding exceptionally well, delivering the modern capabilities, broad coverage, and robust capacity needed to meet first responders’ mobile communications needs across all states, territories, and the District of Columbia.

For example, AT&T is tracking ahead of schedule to meet its total nationwide coverage targets, deploying Band 14 spectrum in approximately 650 markets.⁴ Nearly 9,000 public safety agencies and organizations have subscribed to the First Responder Network Authority’s service (“FirstNet”), comprising over 750,000 connections.⁵ The NPSBN is also delivering exceptional service: it is the fastest overall network experience, surpassing commercial networks.⁶ In 2019 alone, FirstNet has helped first responders stay connected during nearly 75 emergency events, ranging from wildfires to floods, tropical storms, and tornadoes.⁷ AT&T plans to keep this momentum going and is actively working with the First Responder Network Authority to prepare for and invest in 5G network capabilities so that first responders are able to take advantage of next-generation technologies.⁸

⁴ See FirstNet Performs Faster Than Any Commercial Network (Aug. 2019), *available at* <https://www.firstnet.gov/newsroom/press-releases/firstnet-momentum-platform-passes-750000-connections-performs-faster-any>.

⁵ *Id.*

⁶ See *id.* (noting that test results were based on AT&T analysis of Ookla Speedtest Intelligence data average download speeds for Q2 2019).

⁷ *Id.*

⁸ See FirstNet to Invest in More Deployables, Upgrading Core to 5G, *available at* <https://www.rrmediagroup.com/News/NewsDetails/NewsID/18728>. See also First Responder Network Authority Roadmap, *available at* https://www.firstnet.gov/system/tdf/FirstNet_Roadmap.pdf?file=1&type=node&id=1055 (“FirstNet Roadmap”).

Despite the demonstrable success of the First Responder Network Authority’s rollout of the NPSBN, or perhaps because of it, BRETSA’s Petitions now ask the Commission to impose new requirements that would go beyond the scope of the mission Congress assigned to the First Responder Network Authority in the Spectrum Act. In particular, BRETSA asks the FCC to order the First Responder Network Authority to achieve “full interoperability” between the NPSBN and third party networks, including narrowband Land Mobile Radio (“LMR”) networks and commercial mobile providers that have public safety customers.⁹ Moreover, BRETSA would have the FCC declare that this addition to the First Responder Network Authority’s statutorily defined mission be considered “a fundamental responsibility of FirstNet.”¹⁰ BRETSA also urges the Commission to issue a notice of proposed rulemaking to adopt rules requiring the First Responder Network Authority to allow commercial mobile providers to roam onto the NPSBN.¹¹

The Commission should deny BRETSA’s Petitions. Mandating the “full interoperability” and roaming capabilities BRETSA seeks is unnecessary, unworkable, and unwise. It is unnecessary because the First Responder Network Authority has already ensured

⁹ BRETSA Petitions at 8-9.

¹⁰ *Id.* at 8.

¹¹ *Id.* at 8-9. BRETSA further seeks rules on the use of “Commission processes for dispute resolution ... concerning matters of interoperability, roaming, and prioritization.” *Id.* at 9. It is unclear what rules BRETSA envisions in this regard, but the Commission already has dispute resolution procedures that provide meaningful opportunities to address any matters within the Commission’s authority. Moreover, establishing any additional dispute resolution procedures specifically to address the implementation and operation of the NPSBN, as BRETSA apparently seeks, would raise serious jurisdictional questions. *See, e.g., Procedures for Commission Review of State Opt-Out Requests from the FirstNet Radio Access Network*, Order, 32 FCC Rcd 7189 (2017) (“Opt-Out Order”). In any event, as there is no statutory basis for the new obligations BRETSA would impose on the First Responder Network Authority, there is no need for the Commission to consider new dispute resolution procedures to resolve questions of how any such requirements should be interpreted.

that the NPSBN is “interoperable,” as Congress used that term in the Spectrum Act.¹² It is unworkable because “full interoperability,” if intended to mean heightened interoperability between the NPSBN and third-party networks, would impede the First Responder Network Authority’s mission by creating a patchwork of separate networks – the very problem the NPSBN was designed to avoid. And it is unwise because so-called “full interoperability” would impair network security and resiliency, while wasting time and resources. What is more, neither the Spectrum Act nor the Communications Act authorizes the relief BRETSA seeks.

II. THE NPSBN IS ALREADY “INTEROPERABLE,” AND GRANTING THE PETITIONS WOULD IMPEDE FIRSTNET’S CONGRESSIONALLY-MANDATED MISSION AND HARM FIRST RESPONDERS BY UNDERMINING THE NPSBN’S EFFECTIVENESS AND DELAYING ITS DEPLOYMENT.

BRETSA’s Petitions should be denied for several reasons. *First*, Commission action is unnecessary because the NPSBN has been designed, built, and operated to be “interoperable” as Congress intended. Although the scope of the additional obligations BRETSA seeks to impose is not clear—apparently something more than the capability of NPSBN users and commercial network users to communicate with one another using voice, text and email, but less than “core to core” interoperability¹³—it clearly would exceed the scope of the mission Congress defined.

BRETSA misapprehends the meaning of “interoperability” as it applies to the NPSBN. Under the Spectrum Act, the First Responder Network Authority’s mission is to ensure the building, deployment, and ongoing operation of the NPSBN, which must be “based on a *single, national* network architecture,” consisting of a core network and a radio access network (“RAN”).¹⁴ To ensure accomplishment of that mission, the NPSBN must be interoperable across

¹² See, e.g., 47 U.S.C. § 1422(a).

¹³ BRETSA Petitions at n.7 (emphasis in original).

¹⁴ 47 U.S.C. §§ 1422(b) (emphasis added), 1426(b).

and within the network, meaning that any user on the NPSBN has full interoperability with every other user of the network.¹⁵ Congress also required that the NPSBN be “interoperable” even if one or both of two specific situations were to occur: (i) the First Responder Network Authority chose to parcel out deployment of the network among various regional service providers, and/or (ii) one or more states elected to opt-out of the First Responder Network Authority’s deployment and build its/their own RAN.¹⁶ Neither of those situations occurred – the First Responder Network Authority chose to partner with a single partner to deploy the NPSBN, and no state elected to opt out. This makes the statutory meaning of interoperability especially clear and plainly limits its applicability to functionalities across and within only the NPSBN. Nothing in the Spectrum Act authorizes or even contemplates requiring the NPSBN to be interoperable with other, third-party networks.

In short, the NPSBN is already interoperable in accordance with the Spectrum Act’s standards. As the Technical Advisory Board for First Responder Interoperability recommended, the NPSBN’s services “operate across functional, geographic and jurisdictional boundaries” to enable secure and reliable communications between “all authorized local, state and federal public safety entities.”¹⁷ First Responders are already taking advantage of the NPSBN’s interoperability, lauding the First Responder Network Authority for providing “clear

¹⁵ *Id.* § 1422(a).

¹⁶ *See, e.g.*, 47 U.S.C. §§ 1423(c)(1)(A) (establishing the Technical Advisory Board to “develop recommended minimum technical requirements to ensure a nationwide level of interoperability for *the nationwide public safety broadband network*”) (emphasis added); 1442(e)(3)(C)(i) (tasking the FCC with ensuring that opt-out state RAN designs meet the minimum requirements for interoperability with the NPSBN).

¹⁷ *See* Technical Advisory Board for First Responder Interoperability, Recommended Minimum Technical Requirements to Ensure Nationwide Interoperability for the Nationwide Public Safety Broadband Network, § 3.2 (2012), *available at* <https://www.fcc.gov/document/recommendations-interoperability-board> (“FirstNet Interoperability Report”).

communications to coordinate and interoperate across our crews,” and enabling information sharing across disciplines and jurisdictions.¹⁸

Public safety entities and first responders across the country have access to the NPSBN – it is available to all public safety entities and first responders, who have the option to subscribe to the First Responder Network Authority’s highly secure and reliable services. The NPSBN’s “single, national network architecture” promotes key communication capabilities between public safety entities that subscribe to FirstNet.¹⁹ And because the NPSBN is being built based on open industry standards—the same standards that apply to commercial 4G LTE networks—FirstNet subscribers can call, text, and email users on other networks and vice-versa. In other words, and notwithstanding BRETSA’s suggestion otherwise, the NPSBN enables communications between first responders using the NPSBN and others in the public safety community who may choose instead to use a commercial network for their emergency communications needs.

Second, BRETSA’s request for “full interoperability” is unworkable because it conflicts with the First Responder Network Authority’s Congressionally-mandated mission to establish a single, highly secure nationwide broadband network that is dedicated to public safety. Congress established the First Responder Network Authority to address a critical problem that was highlighted during the terrorist attacks on September 11, 2001: different groups of first responders were unable to communicate effectively because their radios operated on multiple, different networks. The 9-11 attacks underscored the fatal shortcomings of the patchwork of legacy public safety communications networks and commercial mobility networks. To solve this

¹⁸ FirstNet Expands Coverage to Surpass Half-a-Million Connections, *available at* https://about.att.com/story/2019/fn_expands_coverage.html (quoting Andy Geske, Chief of Information Technology, AAA Ambulance Service).

¹⁹ See 47 U.S.C. § 1422.

problem, Congress created the First Responder Network Authority to build a unified NPSBN for first responders.

Specifically, Congress mandated that the NPSBN “shall be based on a *single, national network architecture*” consisting of a “core network” and a “radio access network.”²⁰ This singular network design was deliberate. Congress sought to give first responders the benefits of dedicated, robust broadband services, while also ensuring reliable, secure communications for first responders across different agencies and jurisdictions. The First Responder Network Authority’s services are thus designed from the ground up to achieve Congress’s objectives.

Although not discussed in the Petitions, the “full interoperability” that BRETSA seemingly envisions would lead to the very patchwork of separate networks that Congress sought to rectify in establishing the First Responder Network Authority and creating the NPSBN. If third-party carriers were permitted essentially the same access to the NPSBN as FirstNet subscribers, the network would lack a “single, national network architecture.”²¹ Instead, the NPSBN would become merely one island in a sea of disparate networks that would undermine the ability of first responders to communicate—the very result Congress sought to avoid.

Achieving the new, broader “interoperability” BRETSA seeks to impose also would be unworkable from a technical standpoint. Although it is difficult to decipher precisely what BRETSA means by “interoperability,” the Petitions appear to contemplate requiring the NPSBN to be interoperable with the third-party networks of multiple carriers.²² Doing so would require harmonizing quality of service among several operators, which would be a challenging, if not

²⁰ *Id.* (emphasis added).

²¹ 47 U.S.C. § 1422(b).

²² *See* BRETSA Petitions at 8-9.

impossible, exercise. Moreover, granting third-party interoperability rights may require AT&T and the First Responder Network Authority to divulge confidential intellectual property such as network design elements, security elements, and related network and systems architectures. While these consequences may be unintended, they underscore the breadth of BRETSA's requests and confirm that granting the Petitions would only frustrate the First Responder Network Authority's efforts to deploy the robust NPSBN Congress envisioned.

Third, BRETSA's requests for "full interoperability" and roaming are unwise because they would imperil the reliability and security of the NPSBN. Congress directed the First Responder Network Authority to "ensure the safety, security, and resiliency of the network."²³ Contrary to Congress's mandate, imposing the "full interoperability" and roaming requirements BRETSA seeks would compromise the NPSBN's integrity by exposing the NPSBN's highly-secure core to other networks that lack the same robust security features. The result would be multiple attack vectors that could penetrate the system, undermining the reliability and security that the NPSBN was created to achieve.

Allowing other carriers to fully interoperate with or roam on the NPSBN also would require new interfaces and other mechanisms that would have to be designed, deployed, tested, maintained, and updated. This approach would introduce an unknown number of new potential security vulnerabilities and potential points of failure, which would frustrate the First Responder Network Authority's core mission to ensure a reliable and secure network.²⁴

For example, user devices of third-party carriers operating under 3GPP standards would be authenticated in the "home network" of the third-party operator, rather than the NPSBN.

²³ 47 U.S.C. § 1426(b)(2)(A).

²⁴ See FirstNet Interoperability Report § 4.8.5 (raising concerns about security vulnerabilities associated with inbound roaming on the NPSBN).

Unless third-party commercial networks seeking to interoperate with or roam on the NPSBN implement authentication measures and the same stringent risk, threat, and vulnerability protections as the NPSBN, they would expose the NPSBN to cyber-attacks and network degradation. In order to protect the NPSBN, comprehensive testing of all devices and applications on third-party commercial networks seeking to interoperate with and roam on the NPSBN also would be required. Even if these measures were implemented, the NPSBN would remain at increased risk if fully accessible by third-party commercial networks—a risk the FCC’s Technical Advisory Board for First Responder Interoperability warned “could undermine” network security.²⁵

BRETSA fails to acknowledge these security issues or explain how secure, end-to-end encryption would be accomplished across multiple networks. Rather, BRETSA asserts that “[f]ull interoperability is a fundamental and ubiquitous requirement” without concern for how “full interoperability” would be achieved and at what cost to the First Responder Network Authority’s mission and its public safety subscribers.²⁶ Granting BRETSA’s Petitions would leave first responders relying on the NPSBN with a less secure network.

Worse, BRETSA’s demand for “full interoperability” and roaming would divert valuable time and resources away from achieving the First Responder Network Authority’s statutory obligation to deploy the best possible NPSBN. Designing, constructing, and operating a seamless, highly-secure interoperable nationwide network for first responders is itself a challenging, costly, and time-consuming endeavor. Requiring the First Responder Network Authority to address additional interoperability complexities and burdensome roaming

²⁵ *Id.*

²⁶ *See* BRETSA Petitions at 5.

requirements would only delay and impede first responders from gaining access to the vital communications services they need to perform their jobs.

III. NEITHER THE SPECTRUM ACT NOR THE COMMUNICATIONS ACT AUTHORIZES THE INTEROPERABILITY OR ROAMING REQUIREMENTS THAT BRETSA SEEKS.

As explained above, Congress established the interoperability parameters that the First Responder Network Authority is tasked with ensuring the NPSBN meets.²⁷ Those parameters require “interoperability” across and within the NPSBN, not between the NPSBN and separate commercial or other third-party networks, including, for example, LMR systems.²⁸

Indeed, the Commission has recognized that the concept of “interoperability” is limited to, and does not extend beyond, the NPSBN. For example, the FCC ruled that its review of a state opt-out plan would not include a requirement that the NPSBN connect to an alternative network core.²⁹ In doing so, the FCC concluded that it did not have the statutory responsibility to decide whether an opt-out state could use a separate core network and “decline[d] to consider [the issue] further.”³⁰ As the FCC has sensibly acknowledged, the First Responder Network Authority has exclusive authority to oversee the NPSBN because the First Responder Network

²⁷ 47 U.S.C. § 1422(a) (“The First Responder Network Authority shall ensure the establishment of a nationwide, interoperable public safety broadband network.”). *See also id.* § 1422(b) (“The nationwide public safety broadband network shall be based on *a single, national network architecture. . . .*”) (emphasis added).

²⁸ The legislative history of the Spectrum Act confirms Congress’s intent that FirstNet would serve as a single, nationwide public safety broadband network as opposed to a balkanized series of regional or state networks. *See, e.g.*, 157 Cong. Rec. S1528 (Mar. 10, 2011) (Statement by Sen. Rockefeller) (noting that the legislation would permit public safety to “do the whole thing, completely connect with each other, every sheriff, police person, law enforcement, Federal, State, county, municipal. *They would all be on one system and talk to each other from a common communications base and a common database. . . .*”) (emphasis added).

²⁹ *See* Opt-Out Order ¶¶ 62-66.

³⁰ *Id.* ¶ 66.

Authority “is the network architect and steward” of the NPSBN, which gives the First Responder Network Authority “particular insight into the means and manner by which interconnection with a state-built RAN would achieve interoperability with its network.”³¹ This clearly demonstrates the Commission’s understanding that the First Responder Network Authority is uniquely positioned to determine how interoperability will be achieved on its own network.

Although BRETSA’s Petitions appear to seek interoperability between the NPSBN and LMR systems specifically,³² nothing in the Spectrum Act requires, or even contemplates, LTE-to-LMR interoperability. Indeed, the BRETSA Petitions do not identify any provision of the Spectrum Act that expressly addresses, much less mandates, any form of “full interoperability” between the NPSBN – which is a broadband platform – and LMR networks – which are narrowband platforms. None exists. As previously stated, the interoperability referenced in the Spectrum Act pertains only to functionality across and within the NPSBN itself, and not to functionality *between* the NPSBN and *other* networks operated by third parties outside the partnership between the First Responder Network Authority and AT&T.

The only way in which the Spectrum Act even remotely speaks to the issue of NPSBN-LMR interoperability is via its creation of an “Interoperability Board” tasked with “develop[ing] recommended minimum technical requirements to ensure a nationwide level of interoperability for the [NPSBN].”³³ In turn, the Interoperability Board developed a single recommendation regarding NPSBN-LMR interoperability, which itself is a recommended *aspiration* (and thus

³¹ *Id.* ¶ 62.

³² See BRETSA Petitions at 9; *see also id.* at 8 (incorporating by reference the Request for Clarification filed by the Colorado Public Safety Broadband Governing Body (CPSBGB) which broadly demands LTE-to-LMR interoperability).

³³ 47 U.S.C. § 1423(c)(1)(A).

outside the Interoperability Board's scope), not a recommended *requirement*.³⁴ Thus, the Spectrum Act provides no basis for imposing any interoperability requirement between the NPSBN and LMR systems.

That said, the Interoperability Board's recommended aspiration regarding NPSBN-LMR interoperability should and must be taken seriously: integrating the crucial functionalities of LMR networks – including push-to-talk, among others – into the functionalities of the NPSBN as seamlessly and as quickly as possible is a vital concern and task. AT&T has therefore been hard at work developing LTE-to-LMR interoperability solutions. FirstNet push-to-talk over LTE has the capability to be interoperable with a public safety agency's existing LMR network today, providing redundancy and extending the reach of its LMR network.³⁵ AT&T also supports a wide array of open IP-based standards that provide subscribers with a variety of options for implementing LTE interoperability between an LMR system and the NPSBN, including APCO Project 25 (P25), Radio over Internet Protocol (RoIP), Inter RF Subsystem Interface (ISSI), and Console Subsystem Interface (CSSI).³⁶

Furthermore, AT&T has been active in 3GPP standards efforts to develop additional LTE-to-LMR interoperability solutions.³⁷ With testing of 3GPP-compliant mission-critical push-to-talk ("MCPTT") technology well underway, AT&T is poised to announce MCPTT services

³⁴ FirstNet Interoperability Report §§ 3.3.3; 4.4.3.1.

³⁵ See Expanding Coverage and Capacity through Land Mobile Radio Network Interoperability (2016), *available at* <https://www.business.att.com/content/dam/attbusiness/reports/push-to-talk-white-paper.pdf>.

³⁶ See Place Calls Seamlessly From Your AT&T Enhanced Push-to-Talk Device to Your Land Mobile Radio (2018), *available at* <https://www.business.att.com/content/dam/attbusiness/briefs/mobility-eptt-lmr-interoperability-brief.pdf>.

³⁷ See Mission-Critical Communications Standards Are Coming And AT&T Is Ready, (2018), *available at* https://about.att.com/newsroom/2018/communication_standards.html

through FirstNet later this year.³⁸ To this end, AT&T has released a request for proposal for an Interworking Gateway Function that will terminate standard system interfaces and allow the MCPTT to interoperate with existing LMR technologies. In addition to AT&T, the First Responder Network Authority has been a driving force in developing standards for MCPTT operations across LMR and LTE networks—efforts the BRETSA’s Petitions conveniently ignore.³⁹

As with interoperability, nothing in the Spectrum Act or the Communications Act supports BRETSA’s broad call for roaming requirements. The Spectrum Act only requires that NPSBN users be able to roam on “commercial networks,” not that third-parties be able to roam on the NPSBN. Consistent with this requirement, Congress authorized the First Responder Network Authority to enter into agreements allowing NPSBN traffic to roam onto the networks of commercial service providers, but not vice-versa. Specifically, the statute gives the First Responder Network Authority discretion to negotiate agreements for *outbound* roaming by first responders onto commercial networks “as it determines appropriate.”⁴⁰ But no statutory provision exists requiring the First Responder Network Authority to allow *inbound* roaming onto

³⁸ See *id.*

³⁹ See FirstNet, Mission-Critical Features Move Forward In Standards Meetings (Jan. 29, 2019), *available at* <https://www.firstnet.gov/newsroom/blog/mission-critical-features-move-forward-standards-meetings>. See also FirstNet, FirstNet Powers Forward With Focused Public Safety Engagements (Jul. 16, 2019), *available at* <https://www.firstnet.gov/newsroom/blog/firstnet-powers-forward-focused-public-safety-engagements> (explaining the First Responder Network Authority’s many efforts to engage the public safety community on LMR and push-to-talk issues); FirstNet Roadmap at 5, 10-11 (identifying LMR-to-LTE standards development as a key priority).

⁴⁰ 47 U.S.C. § 1426(c)(5) (“The First Responder Network Authority shall negotiate and enter into, as it determines appropriate, roaming agreements with commercial network providers to allow the nationwide public safety broadband network *to roam onto commercial networks* and gain prioritization of public safety communications over such networks in times of an emergency.”) (emphasis added).

the NPSBN by customers of other commercial service providers, even if those customers include public safety users.

Likewise, nothing in the Communications Act or the FCC's rules obligates the First Responder Network Authority to permit third-party commercial carriers to roam on the NPSBN. In fact, the Spectrum Act constrains the FCC's role when it comes to roaming on the NPSBN. Although the Commission "may adopt rules, if necessary in the public interest" to "improve the ability of public safety networks to roam onto commercial networks," Congress did not authorize the FCC to enact rules permitting commercial networks to roam on the NPSBN.⁴¹ And for good reason: the First Responder Network Authority has the responsibility and authority to operate the NPSBN for the benefit of emergency responders. Permitting widespread commercial roaming on the NPSBN would be contrary to the First Responder Network Authority's mission of creating a dedicated public safety broadband network.

IV. CONCLUSION

The NPSBN, built by AT&T and the First Responder Network Authority, continues to gain rapid momentum as it brings advanced communications capabilities to first responders around the country. The Commission should not compromise the First Responder Network Authority's mission by adding the unnecessary, unworkable, and unwise interoperability and roaming requirements BRETSA seeks. For the reasons discussed herein, BRETSA's Petitions should be denied.

⁴¹ *Id.* § 1431.

Respectfully Submitted,

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